

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #1	CCRB Case #: 201808091	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/30/2018 3:00 PM	Location of Incident: § 87(2)(b) The 41st Precinct stationhouse.	Precinct: 41	18 Mo. SOL 3/30/2020	EO SOL 11/14/2020	
Date/Time CV Reported Sun, 09/30/2018 6:56 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 09/30/2018 6:56 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Edwin Garcia	31744	926865	041 PCT
2. POM Efrain Ayala	00285	934314	041 PCT
3. POF Racquel Palmer	18798	961993	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Alyssa Lopez	29299	965280	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Efrain Ayala	Abuse: At § 87(2)(b) in the Bronx, Police Officer Efrain Ayala threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POM Edwin Garcia	Abuse: At § 87(2)(b) in the Bronx, Police Officer Edwin Garcia threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POF Racquel Palmer	Abuse: At the 41st Precinct stationhouse, Police Officer Racquel Palmer did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)

Case Summary

On September 30, 2018, § 87(2)(b) filed this complaint via telephone with the CCRB's call processing system. On October 1, 2018, § 87(2)(b) called IAB and filed a duplicate complaint.

On September 30, 2018, at approximately 3:00 p.m., § 87(2)(b) called 911 and reported stolen property and accused her roommate, § 87(2)(b) of being responsible. PO Efrain Ayala and PO Edwin Garcia, from the 41st Precinct, responded to the 911 call at § 87(2)(b), in the Bronx. Upon arrival at the location, § 87(2)(b) opened the door and invited both officers into the apartment. PO Ayala informed § 87(2)(b) that she owed § 87(2)(b) \$1,200 for her stolen bicycle and other belongings since § 87(2)(b) was the one that placed them outside. PO Ayala told § 87(2)(b) to repay § 87(2)(b) or she would be arrested. § 87(2)(b) agreed to pay \$300 to § 87(2)(b). PO Garcia then stated that if § 87(2)(b) did not pay the remaining \$900 next time, she could be arrested (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). Once everyone was in agreement, PO Ayala and PO Garcia left the location.

At approximately 5:00 p.m., § 87(2)(b) went to the 41st Precinct stationhouse to file a complaint against PO Ayala and PO Garcia. PO Racquel Palmer did not take § 87(2)(b)'s complaint (**Allegation C: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) provided an audio clip of the incident that she recorded on her cell phone (Board Review 04).

Findings and Recommendations

Allegation (A) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Efrain Ayala threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Edwin Garcia threatened to arrest § 87(2)(b)

§ 87(2)(b) (Board Review 01, 02) testified that on September 29, 2018, she moved some of § 87(2)(b) property, including a \$1000 bicycle, outside after a dispute. At some point, the bicycle was stolen and § 87(2)(b) blamed § 87(2)(b). § 87(2)(b) called the police to their shared home on September 30, 2018 and PO Ayala and PO Garcia responded. PO Ayala told § 87(2)(b) to either pay § 87(2)(b) \$1,200 or be arrested. § 87(2)(b) informed PO Ayala and PO Garcia that she did not have \$1,200 but that she could pay \$300 via Venmo. After the money transfer was complete PO Garcia told § 87(2)(b) that if she did not make another payment by the following week she would be arrested.

§ 87(2)(b) statement was § 87(2)(g) that PO Garcia told her that if § 87(2)(b) did not pay the remainder of the money, § 87(2)(b) should call 911 and have § 87(2)(b) arrested.

An audio recording provided by § 87(2)(b) (Board Review 04) captured the 21.5 minute conversation, including that § 87(2)(b) and § 87(2)(b) agreed to mediate their complaint. PO Ayala stated that it was § 87(2)(b)'s choice whether to agree to reimburse § 87(2)(b). § 87(2)(b) agreed to pay § 87(2)(b) part of value of the stolen items that night and the rest of the value on a later date. In return, § 87(2)(b) agreed not to have § 87(2)(b) arrested. PO Ayala and PO Garcia each told § 87(2)(b) that they could not force § 87(2)(b) to make a payment. PO Garcia told § 87(2)(b) to call the police if § 87(2)(b) failed to follow through on the agreement to pay the balance and they would return and arrest § 87(2)(b).

other officer of the Department, including the Office of the Police Commissioner or office of a deputy commissioner (Board Review 14).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (Board Review 09).
- PO Efrain Ayala has been a member of service for 14 years and has been a subject in five CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g) [REDACTED].
- PO Edwin Garcia has been a member of service for 18 years and has been a subject in three CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g) [REDACTED].
- PO Racquel Palmer has been a member of service for two years and has been a subject in two CCRB complaints and two allegations, neither of which was substantiated. § 87(2)(g) [REDACTED].

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of March 29, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 08). On May 20, 2019, an updated request was submitted and will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

Squad No.: 1

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date